

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DUSTIN NOBLE,

Defendant.

4:23CR3122

ORDER

Before the Court is Defendant's Motion for Reconsideration (Filing No. 81) in which Defendant requests the Court set a hearing to reconsider the issue of detention pending sentencing "if this Court believes the issue worthy of consideration." Defendant admits "[m]ost of the pretrial circumstances have NOT changed" (emphasis in original) but bases his motion on the fact that he believes the reasons supporting detention have been alleviated by the entry of plea and the fact that the matter has been scheduled for sentencing.

Pursuant to 18 USC 3143(a), and in relevant part, ". . . the judicial officer shall order that a person who has been found guilty of an offense and who is awaiting imposition or execution of sentence, other than a person for whom the applicable guideline promulgated pursuant to 28 U.S.C. 994 does not recommend a term of imprisonment, be detained, unless the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released under section 3142(b) and (c)." This Court already found, at the change of plea hearing (after Defendant plead), that Defendant did not fulfill these conditions. Furthermore, in the plea agreement pending before the Court, which was entered pursuant to Fed. R. Crim P. 11(c)(1)(C), the parties agreed the defendant shall receive a sentence in the range of 15 to 27 months. Finally, Defendant has provided the Court with no new information that has a material bearing on the issue of whether there are conditions of release that will reasonably assure Defendant's appearance as required and the safety of any other person and the community.

Accordingly, and for the reasons set forth herein, Defendant's motion for reconsideration, (Filing No. 81), is denied.

Dated this 7th day of July, 2025.

BY THE COURT:

s/ Jacqueline M. DeLuca
United States Magistrate Judge